[English]

SHRI SAT MAHAJAN : Hon. Deputy Speaker, Sir, through you I would like to draw the attention of the Minister of Welfare to a very serious situation which is slowly developing in the tribal areas of Himachal Pradesh. In the Reorganisation Act, 1996, old Himachal Pradesh people Gaddies and Gujjars were given the status of tribals, while the people who went from Punjab were denied of this status. Since then they had been struggling to get the same status. The State Government has taken up the matter again and again and ultimately the Himachal Pradesh Vidhan Sabha, without any party consideration, unanimously passed a Resolution that these people should be given the same status.

Similarly, the Jonsar and Bawar tribes of trans-Giri areas - Shillai, Chopal and Dadra Quar — want that the same facilities as that of the tribes of the Uttar Pradesh may be given to them. The Constitution has provided that they are unequal people. They cannot face the competition with the well developed people — the people who developed forest economy, animals and literacy. They cannot compete with the Gaddies and Gujjars. On 31st March, 1994 the Vidhan Sabha passed a Unanimous Resolution. Mr. Ramoowalia, the Minister of Welfare, in reply to the Chief Minister's letter, promptly assured that this grievance will the redressed. Nothing has happened so far.

Sir, through you, I would like to draw the attention of the Government and, especially of the Minister of Welfare who was quick to react to the Chief Minister's communication, to the situation development there, otherwise it will be too late and a situation like the North-Eastern State will develop there. There will be a big law and order problem in Himachal Pradesh and the Centre will not be able to control it.

[Translation]

SHRI K.D. SULTANPURI (Simla) : I support Shri Mahajan on the issue raised by him regarding declaration of certain communities as tribals. The Himachal Pradesh Vidhan Sabha has also passed a Resolution to this effect. The Gujjars of Punjab, who migrated to Himachal Pradesh, are akin to the Gujjars of H.P. Trans Giri, Shillai and Chopal fall in my constituency. And Dadra Kuear adjoining U.P. border has not been declared adivasi area, whereas the adjoining hill area which falls in U.P. has been declared as adivasi area...*(Interruptions)*

MR. DEPUTY SPEAKER : What is your demand?

SHRI K.D. SULTANPURI : I want that the aforesaid area should be declared tribal area.

[English]

THE MINISTER OF WELFARE (SHRI BALWANT SINGH RAMOOWALIA) : (a) Mr. Deputy Speaker, Sir, I have received a large number of petitions and representations from various states and various committees where they either wanted inclusion or exclusion from certain categories. Regarding the specific point raised by Shri sat Mahajan, I would like to tell the House through you that the hon. Chief Minister of Himachal Pradesh met me twice and he wrote a letter to me.

About the problem of Gaddis and Gujjars, in half the Himachal, they enjoy tribal status and in the other areas of the same state they do not enjoy that status. The matter is under my consideration. I will let the House know very soon about it.

[Translation]

SHRI SHIVRAJ SINGH (Vidisha) : Mr. Deputy Speaker, Sir, I want to relate the tale of woe in the House of the poor and hapless scheduled caste people of Madhya Pradesh. A large number of scheduled caste people have made forests as their habitat and they have been in possession of the land holdings for the past 50 years. They used to cultivate their laud for a living. Although they have been in possession of their land holdings for as many as 50 years yet the lease hold nights have not been transferred in their names. This year, the officials of the forest department destroyed their crops, burnt down their huts and beat them mercilessly. This is not an isolated incident but a common in feature Madhya Pradesh. On top of it their women foth were molested about which I alone lodged 13 F.I.R.s in Vidisha and Raisen districts but no action has been taken to-date.

They are being treated very callously. Through you Sir, I request the Central Government to intervene in the matter and direct the state Government to give baseholc rights to all these scheduled Caste people who had been in possession of their land holdings prior to 1980 and also so long as the forest land consolidation work is not taken up, the scheduled caste people should not be disposed of their land holdings and all those forest department officials should be prosecuted who committed atrocities against them...*(Interruptions)*

MR. DEPUTY SPEAKER : Only one hon'ble Member can speak at a time.

[English]

SHRI TIRUCHI SIVA (Pudukkottai) : Mr. Deputy Speaker, Sir, as we had fought for social justice earlier, I had to fight for this chance to raise a genuine and important issue. This issue may seem to be concerned with the people of one State, but since the prestige of this House lies in this issue, I would like to draw your kind attention to it.

It would be right for me to mention that the first Amendment of the Constitution was made for reservation of Scheduled Castes and Scheduled Tribes owing to the efforts of our late social reformer Thanthai Periyar, and our mentor Anna. Having realised the long felt need of the weaker sections, that is, the supressed, oppressed and the depressed people, the Tamil Nadu

Government has provided for 69 per cent reservation in Government jobs and educational institutions. In Mandal case, the Supreme Court, has held that all reservation put together cannot exceed 50 per cent. The Tamil Nadu Government, in order to protect the interests of the weaker sections had enacted a law and the same had been incorporated in the Ninth Schedule of our Constitution. The basic intention of doing so was that it would not be, and it cannot be challenged in any court of law. For example, the land ceiling laws of various States are not challenged because they are in the Ninth Schedule.

But the Supreme Curt stayed the operation of the reservation law of Tamil Nadu in spite of the fact that it is in the Ninth Schedule, without assigning any reason. The act of Supreme Court amounts to usurping the powers of Parliament. I could not understand as to how whims and fancies of the individuals can override the powers of Parliament. It is strange how the Supreme Court assumes the powers of Parliament. The sanctity of the Constitution is questioned. I would like to know from the Chair, Sir, what steps or measures are you going to take to preserve the powers of Parliament and the sanctity of the Constitution...*(Interruptions)* In the best interests of Scheduled Castes and Scheduled Tribes, weaker sections, backward classes and the most backward classes, the Government has to kindly look into it as well as to preserve the rights of this Parliament and the sanctity of the Constitution.

[Translation]

SHRI RAM NAIK (Mumbai North) : Mr. Deputy Speaker, Sir, national convention of the National Fisheries Forum Action Committee representing 70 lakh fishermen was held in Mumbai yesterday. Earlier, the Murari Committee, of which all of us were members, had unanimously recommended in its report that the licences of all the deep see fishing trawlers should be concelled within six months. Now it is more than six months. Yesterday, it was announced in the fishermen's Forum, Shri Thomas Kocheri would undertake indefinite fast on the 7th August and there would be *gherao* of all the sea ports in India on 10th August by the fishermen. It would give rise to serious problem affecting not only the fishermen but the people consuming fish also.

As per the recommendation of the House, the Government should invite the National fisheries Forum for discussion and cancel the licences granted to foreign trawlers. Government must take initiative to hold discussion with the Forum otherwise the the seven coastal states would be engulfed is serious crises.

[English]

SHRIMATI GEETA MUKHERJEE (Panskura) : All of us have agreed to this and all together move for this. This should be taken up very seriously immediately.

[Translation]

SHRI RAM NAIK : All the trade unions viz CITU, BMS, INTHC, HMS have supported this call and you would be able to gauge the seriousness of the situation when all the parts are elsed on 10th August.

[English]

All Central unions are supporting this action. It is a serious issue and the Government should take cognisance of this issue.

[Translation]

SHRI SYED MASUDAL HOSSAIN (Mursidabad) : There is a great hue and cry about infiltrators, but no attention is being paid to that part of our motherland which is being encroached upon by Bangladesh. There has been consistent land erosion in District Murshidabad by the river Padma Ganga near Bangla Desh border. About 100 villages of our territory are how in Bangladesh due to erosion. We have lost control over that land and the people of Bangla Desh have settled there. This is Indian Territory which is now part of Bangla Desh and the people are with voting that land and utilising the yield for their benefit. We have been raising this issue for the past 16 years but it appears there is no Government to take up this issue.

[English]

MR. DEPUTY SPEAKER : This issue requires immediate attention, if it is true.

[Translation]

SHRI SYED MASUDAL HOSSAIN : Bangla Desh is a small and poor country -even then it has built a pucca dam point side of the border. We have been urging the Government for the past 16 years to pay urgent attention to the matter as the people there are becoming landless. When Shri P.C. Shukla was the Minister, he had assured to take some action. Now I want the present Government to stir itself and come to grip with the problem. Let Shri Ram Vilas Paswan reply and inform the House about the action being taken to prevent the loss of Indian territory due to erosion? ultimately it would became a problem of of International border and Government must apprises about the steps being taken...*(Interruptions)*

[English]

JUSTICE GUMAN MAL LODHA (Pali) : Sir, this is a very serious matter and we extend our full support to him...*(Interruptions)*

MR. DEPUTY-SEPAKER : Let me say a word on this issue.

(Interruptions)

MR. DEPUTY-SEPAKER : This is a very serious matter. Let the matter be looked into.

(Interruptions)